

1 **Thomas P. Riley, SBN 194706**  
 2 **LAW OFFICES OF THOMAS P. RILEY, P.C.**  
 3 **1114 Fremont Avenue**  
 4 **South Pasadena, CA 91030**

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**TPRLA@att.net**

7  
 8 **Attorneys for Plaintiffs**  
 9 **J & J Sports Productions, Inc.**

10  
 11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **J & J Sports Productions, Inc**  
 14 **Plaintiff,**

15 **vs.**

16 **Israel Valencia Garcia, et al.**

17 **Defendant.**

18 **CASE NO. 5:08-cv-00990 PVT**

19 **PLAINTIFF'S *EX PARTE***  
 20 **APPLICATION FOR AN ORDER**  
 21 **CONTINUING CASE MANAGEMENT**  
 22 **CONFERENCE; AND ORDER**  
 23 **(Proposed)**

24 Plaintiff J & J Sports Productions, Inc., hereby applies *ex parte* for an order continuing the  
 25 initial Case Management Conference in this action, presently set for Tuesday, June 10, 2008 at 2:00 p.m.  
 26 to a new date approximately thirty (30) to forty-five (45) days forward. This request is necessitated by  
 27 the fact that Plaintiff only recently perfected service of process as to the Defendant named to this action.<sup>1</sup>  
 28 Plaintiff awaits receipt of the Proof of Service which will be filed with this Court promptly thereafter.

29 In addition, as of this writing, Plaintiff has yet to receive an answer or any other responsive  
 30 pleading from the Defendant and the Defendant has not contacted Plaintiff's counsel following service  
 31 of the suit papers. As a result, Plaintiff's counsel has not conferred with the Defendant concerning the  
 32 claims, discovery, settlement,

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1 ADR or any of the other pertinent issues involving the case itself or the preparation of a Case  
2 Management Conference Statement.

3 **WHEREFORE**, Plaintiff respectfully requests that this Honorable Court continue the Case  
4 Management Conference presently scheduled for Tuesday June 10, 2008 to a new date approximately  
5 thirty (30) to forty-five (45) days forward in order that responsive pleadings may be filed by the  
6 remaining Defendant and Plaintiff's counsel may thereafter confer with the Defendant and/or his  
7 counsel and thereafter prepare and file a Joint Case Management Conference Statement for the Court's  
8 review.

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Respectfully submitted,

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Dated: June 3, 2008

/s/ Thomas P. Riley

**LAW OFFICES OF THOMAS P. RILEY, P.C.**

By: Thomas P. Riley

Attorneys for Plaintiff

J & J Sports Productions, Inc

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**PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER CONTINUING  
CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed)**  
**CASE NO. 5:08-cv-00990 PVT**

**PAGE 2**

## **ORDER (Proposed)**

It is hereby ordered that the Case Management Conference in civil action number 5:08-cv-00990 PVT styled *J & J Sports Productions, Inc. v. Israel Valencia Garcia, et al.*, is hereby continued from 2:00 p.m., Tuesday, June 10, 2008, to \_\_\_\_\_.

The Parties shall file a Joint Case Management Statement in advance of the Case Management Conference pursuant to the Local Rules and the Standing Order of this Court.

Plaintiff shall also serve a copy of this Order on the Defendant and thereafter file a Certification of Service of this Order with the Clerk of the Court.

## IT IS SO ORDERED:

Dated:

**THE HONORABLE PATRICIA V. TRUMBULL**  
**United States District Court**  
**Northern District of California**

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PAGE 3

**PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER CONTINUING  
CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed)  
CASE NO. 5:08-cv-00990 PVT**

## **PROOF OF SERVICE (SERVICE BY MAIL)**

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena, California 91030. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On, June 3, 2008, I served:

**PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE; AND ORDER (Proposed)**

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Israel Valencia Garcia (Defendant)  
1007 Barnes Street  
Mission, TX 78572

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct, and that this declaration was executed on June 3, 2008, at South Pasadena, California.

Dated: June 3, 2008

/s/ Terry Houston

## TERRY HOUSTON

**PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER CONTINUING  
CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed)  
CASE NO. 5:08-cv-00990 PVT  
PAGE 4**